

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 3. This sheet replaces the original sheet including Figs. 3 and 4. In Fig. 3, numeral 34 directed to the lead line has been changed to 30.

Attachment: Replacement Sheets

Annotated Sheet Showing Changes

### **Remarks**

Claims 1-12 were in the application as last examined. Claim 9 is amended, for which no new matter is added. Applicants respectfully request further examination and consideration in light of the foregoing amendments and the following remarks.

### **Objections to the Drawings**

The drawings stand objected to on various grounds. The objection is traversed. The Examiner asserts that element 34, shown in Figure 3, refers to both the cable lead and the connector. Fig. 3 has been amended to properly reflect the subject cable lead with the reference number 30, as indicated in paragraph [41] of the application.

### **Rejections under 35 U.S.C. § 112**

Claim 9 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for having a reference to a second junction without reference to a first junction. The rejection is traversed. Applicant has amended claim 9 to remove the reference to “second” with respect to the junction, there being only one junction required in the claim. As amended, the claim meets the requirement of 35 U.S.C. §112, second paragraph. The rejection should be withdrawn.

### **Rejections under 35 U.S.C. § 102**

Claims 1 and 9-11 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,215,446 to Sullivan et al. The rejections are traversed.

The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986). To anticipate, a single reference must teach each and every limitation of the claimed invention. *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1335; 73 U.S.P.Q.2D (BNA) 1782 (Fed. Cir. 2005). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The rejection fails to satisfy these standards.

Sullivan et al. '446 discloses a snap-in cell phone antenna comprising a housing 14 and a collapsible or retractable antenna 20 having a snap-in connector 16 (Col. 2, line 55 – col. 3, line 6). The housing 14 has an alignment keyway 26. The connector 16 has a keyway 44 that is adapted to be received in the keyway 26 so that the connector can be inserted into the housing on only one way. But Sullivan et al. '446 does not disclose a transmission line in each of the mount and the whip assembly (as in claim 1) or in the lower section assembly and the upper section assembly (as in claim 9). In the invention, the transmission line is not the radiator of the antenna. In Sullivan et al. '446, the antenna 20 includes an electrically conductive tube 64 secured to the lower end of the radiator 66. There is no other structure disclosed that can serve as a transmission line.

Because Sullivan et al. '446 does not disclose a transmission line in each of the whip and the mount or in each of the lower and upper section assemblies, it does not anticipate claims 1 and 9. Likewise, because claims 10 and 11 depend from claim 9, they are also not anticipated.

### **Rejections under 35 U.S.C. § 103**

Claims 2 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan et al. '446 in view of U.S. Patent No. 5,990,848 to Annamaa et al. The rejections are respectfully traversed.

The standards for a finding of obviousness must be strictly adhered to. Simply citing one or more prior art references that illustrate different facets of the invention and then concluding that it would be obvious to combine the references to create the applicant's invention is wholly inadequate.

A claimed invention is unpatentable if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art....The ultimate determination of whether an invention

would have been obvious under 35 U.S.C. §103(a) is **a legal conclusion based on underlying findings of fact.**<sup>1</sup>

A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field....Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

Most if not all inventions arise from a combination of old elements....Thus, every element of a claimed invention may often be found in the prior art....However, **identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention**....Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, **there must be some motivation, suggestion or teaching of the desirability of making the specific combination** that was made by the applicant....Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference.

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved....In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references....The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art....Whether the Patent Office Examiner relies on an express or an implicit showing, **the Examiner must provide particular findings related thereto....Broad conclusory statements standing alone are not "evidence."**

*In Re Werner Kotzab*, 217 F.3d 1365; 55 U.S.P.Q.2d (BNA) 1313 (Fed. Cir. 2000)(citations omitted)(emphasis added).

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<sup>1</sup> The underlying factual inquiries include (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; and (3) the differences between the claimed invention and the prior art. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 15 L. Ed. 2d 545, 86 S. Ct. 684 (1966).

The Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used different transmission lines as taught by Annamaa et al. in the cell phone antenna of Sullivan et al. '446 to achieve the claimed invention. With respect, the Annamaa et al. patent at col. 4 lines 21-24 (as cited and relied upon by the Examiner) teaches nothing more than already shown in the background section of the application. According to the Annamaa et al. patent, "Fig. 6(c) shows a dual-band antenna, which consists of two helices 2a and 2b one on top of the other. Both are fed with different transmission lines 4a and 4b." (Col. 4 lines 21-24) Compare with the following relevant statement from paragraph [5] of the application: "But it is also known for antennas with two isolated bands to transmit signals to and from the radiator along two separate leads, one for each band." These statements alone provide no teaching, suggestion or motivation to make the antenna of Sullivan et al. '446 a dual band antenna.

This is especially so, given that Sullivan et al. '446 does not teach the requisite transmission lines of the parent claims from which claims 2 and 12 depend. See the discussion, *supra*, with respect to claims 1 and 9.

### **Conclusion**

The allowability of claims 3-8 is acknowledged with thanks, but given the forgoing remarks, all claims are believed allowable over the art of record. Consequently, early notice of allowability is respectfully requested. Any questions about the foregoing can be directed to the undersigned and the Examiner is invited to resolve any remaining issues by telephone or by email.

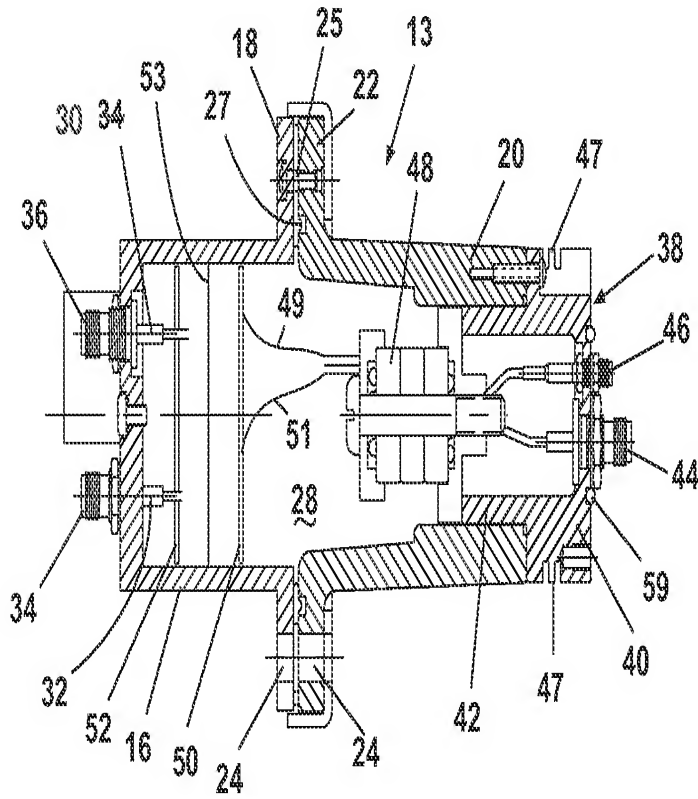
Respectfully submitted,

PAUL E. MILLER

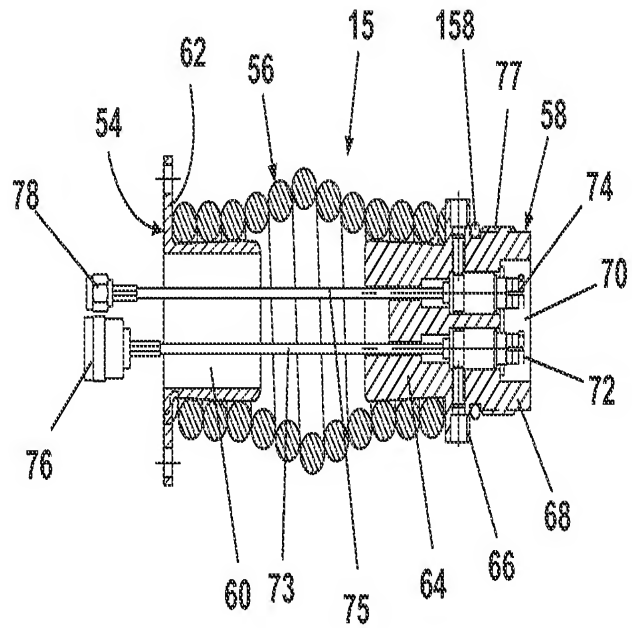
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**Fig. 3**



**Fig. 4**